

Instructions for Completing Attachment A to the HIPAA Business Associate Addendum or MOU

Both the HIPAA Business Associate Addendum and Interagency MOU (referred to as “BA Addendum”) have an attachment that must be completed for each BA Addendum. The BA Addendum and Attachment are designed so that the Attachment can be updated without restating the entire BA Addendum. Complete Attachment A to indicate any additional uses, disclosures, restrictions and subcontractors the Business Associate will be permitted beyond what is specified in the BA Addendum. If the relationship changes, Attachment A should be updated.

1. Additional Permitted Uses. Complete with “None” if no other uses are permitted. Otherwise indicate a specific use required by law or necessary for operation of the Associate. An example is some HMO’s request they be permitted to use and disclose PHI for an audit by the Division of Insurance.
2. Additional Permitted Disclosure. Complete with “None” if no additional disclosures are permitted beyond what is allowed in the BA Addendum.
3. Subcontractors. Complete with the names of any known subcontractors. If no subcontractors are contemplated complete with “None”. HIPAA requires that a Business Associate obtain a written Business Associate contract with each subcontractor who performs a covered function and receives PHI.
4. Receipt. This line must be completed to indicate when the Business Associate is in receipt of PHI. “None” is not an acceptable answer. Usually the Business Associate has PHI upon receipt from the covered entity, but sometimes they create PHI.
5. Additional Restrictions on Use of Data. Complete with any restrictions upon the use of PHI beyond what is already specified in the BA Addendum. If none, complete with “None”.
6. Additional Terms. Complete with any additional specifications on disclosures. If there are no additional terms, complete with “None”.